

House Bill 300

By: Representatives Gardner of the 57<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Lindsey of the 54<sup>th</sup>, Teilhet of the 40<sup>th</sup>, and Ashe of the 56<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-12A-6 of the Official Code of Georgia Annotated, relating to  
2 exemptions to the "Georgia Smokefree Air Act of 2005," so as to provide an exemption for  
3 performers in live theater under certain circumstances; to provide for related matters; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 31-12A-6 of the Official Code of Georgia Annotated, relating to exemptions  
8 to the "Georgia Smokefree Air Act of 2005," is amended by revising subsection (a) as  
9 follows:

10 "(a) Notwithstanding any other provision of this chapter, the following areas shall be  
11 exempt from the provisions of Code Sections 31-12A-4 and 31-12A-5:

12 (1) Private residences, except when used as a licensed child care, adult day-care, or  
13 health care facility;

14 (2) Hotel and motel rooms that are rented to guests and are designated as smoking  
15 rooms; provided, however, that not more than 20 percent of rooms rented to guests in a  
16 hotel or motel may be so designated;

17 (3) Retail tobacco stores, provided that secondhand smoke from such stores does not  
18 infiltrate into areas where smoking is prohibited under the provisions of this chapter;

19 (4) Long-term care facilities as defined in paragraph (3) of Code Section 31-8-81;

20 (5) Outdoor areas of places of employment;

21 (6) Smoking areas in international airports, as designated by the airport operator;

22 (7) All workplaces of any manufacturer, importer, or wholesaler of tobacco products, of  
23 any tobacco leaf dealer or processor, all tobacco storage facilities, and any other entity  
24 set forth in Code Section 10-13A-2;

(8) Private and semiprivate rooms in health care facilities licensed under this title that are occupied by one or more persons, all of whom have written authorization by their treating physician to smoke;

(9) Bars and restaurants, as follows:

(A) All bars and restaurants to which access is denied to any person under the age of 18 and that do not employ any individual under the age of 18; or

(B) Private rooms in restaurants and bars if such rooms are enclosed and have an air handling system independent from the main air handling system that serves all other areas of the building and all air within the private room is exhausted directly to the outside by an exhaust fan of sufficient size;

(10) Convention facility meeting rooms and public and private assembly rooms contained within a convention facility not wholly or partially owned, leased, or operated by the State of Georgia, its agencies and authorities, or any political subdivision of the state, municipal corporation, or local board or authority created by general, local, or special Act of the General Assembly while these places are being used for private functions and where individuals under the age of 18 are prohibited from attending or working as an employee during the function;

(11) Smoking areas designated by an employer which shall meet the following requirements:

(A) The smoking area shall be located in a nonwork area where no employee, as part of his or her work responsibilities, shall be required to enter, except such work responsibilities shall not include custodial or maintenance work carried out in the smoking area when it is unoccupied;

(B) Air handling systems from the smoking area shall be independent from the main air handling system that serves all other areas of the building and all air within the smoking area shall be exhausted directly to the outside by an exhaust fan of sufficient size and capacity for the smoking area and no air from the smoking area shall be recirculated through or infiltrate other parts of the building; and

(C) The smoking area shall be for the use of employees only.

The exemption provided for in this paragraph shall not apply to restaurants and bars;

(12) Common work areas, conference and meeting rooms, and private offices in private places of employment, other than medical facilities, that are open to the general public by appointment only; except that smoking shall be prohibited in any public reception area of such place of employment; ~~and~~

(13) Private clubs, military officer clubs, and noncommissioned officer clubs; and

(14) Theaters or other venues in which live performances are conducted; provided, however, that this exemption shall only extend to actors in live performances when

1 smoking is called for in the script and shall only be applicable if advance notification is  
2 given to the patrons who will be attending the performance."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.